THE HON'BLE MR JUSTICE S.ANANDA REDDY

Writ Petition No.18051 of 2005

17-08-2005

Between:

V.Narayana

... PETITONER

AND

1.The Depot Manager, APSRTC, Mahabubnagar Bus Depot, Mahabubnagar and another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE S.ANANDA REDDY

–

Writ Petition No.18051 of 2005

ORDER:

This writ petition is filed aggrieved by the action of the second respondent in imposing a major penalty on the petitioner without conducting a domestic enquiry.

According to the petitioner, he was charge sheeted on the ground that he drove the vehicle in a rash and negligent manner and was called upon to submit his explanation. Accordingly, he submitted his explanation. Thereafter, the second respondent, instead of conducting regular departmental enquiry, if he is not satisfied with the explanation, passed the impugned order dated 03.06.1997, imposing major penalty of withholding annual increment for a period of two years with cumulative effect. According to the petitioner, imposition of such a major penalty without conducting a regular departmental enquiry is illegal and unsustainable in the light of the judgments of this Court as well as the Apex Court. Therefore, the petitioner sought for setting aside the impugned order.

At the time of hearing, it is represented by the learned counsel for the petitioner that the issue is covered by a number of judgments of this Court and therefore sought for appropriate orders.

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent-Corporation.

Admittedly, as the second respondent passed the impugned order imposing a major penalty without conducting any domestic enquiry, the impugned order is illegal and unsustainable in view of the judgments of this Court as well as the Supreme Court. However, as

the petitioner has come up with the present writ petition after long lapse of time, this Court is of the opinion that it would be appropriate to modify the impugned order to that of imposing a minor penalty instead of a major penalty.

Accordingly, the impugned order is modified to that of withholding annual increment for a period of two years without cumulative effect. It is made clear that the monetary benefits to which the petitioner is entitled to as a result of this order would be available to him only from the date of this order, but not for the period prior to the date of this order.

The writ petition is accordingly disposed of. No costs.

_____

17.08.2005

VGB